STATUTORY INSTRUMENTS

2009 No. 498

ROAD SAFETY

The Road Safety (Financial Penalty Deposit) (Interest) Order 2009

Made - - - -	*5th March 2009*
Laid before Parliament	*9th March 2009*
Coming into force - -	*31st March 2009*

The Treasury make the following Order in exercise of the powers conferred on them by section 90C(12) of the Road Traffic Offenders Act 1988(**a**).

In accordance with section 90E(2) of that Act, the Treasury have consulted with such representative organisations as appeared appropriate to them.

Citation and commencement

1. This Order may be cited as the Road Safety (Financial Penalty Deposit) (Interest) Order 2009 and shall come into force on 31st March 2009.

Calculation of interest

2.—(1) For the purposes of section 90C(12) of the Road Traffic Offenders Act 1988, the rate of interest payable shall be the Bank of England base rate at the beginning of the day that the payment of the appropriate amount was made.

(2) In this article "Bank of England base rate" means—

(a) the rate announced from time to time by the Monetary Policy Committee(**b**) of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets, or

(b) where an order under section 19 of the Bank of England Act 1998(**c**) is in force, any equivalent rate determined by the Treasury under that section.

Frank Roy
Tony Cunningham
5th March 2009 Two of the Lords Commissioners of Her Majesty's Treasury

(**a**) 1988 c.53. Part 3A (including sections 90A to 90E) was inserted by section 11 of the Road Safety Act 2006 (c. 49). The "appropriate amount" is defined in section 90B(2). The amount of the deposit required is set out in the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (S.I. 2009/ 492).
(**b**) The Monetary Policy Committee was constituted on a statutory basis by section 13 of the Bank of England Act 1998 (c.11).
(**c**) 1998 c.11.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the calculation of interest for the purposes of Part 3A of the Road Traffic Offenders Act 1988 (c. 53) ("the 1988 Act"), as inserted by section 11 of the Road Safety Act 2006 (c. 49). Part 3A provides that, in certain circumstances, a constable or vehicle examiner may impose a financial penalty deposit on a person without a satisfactory UK address who has been given either notice of likely proceedings or a fixed penalty notice (in Scotland, a conditional offer) in respect of a road traffic offence. The amount of the deposit (defined as the "appropriate amount" in section 90B(2) of the Act) is set out in the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (S.I. 2009/492).

Where notice of intended prosecution has been given, but the person is not prosecuted, is acquitted, is convicted but not fined, or the period in which a prosecution may be brought ends, appropriate steps to make an appropriate refund of the financial penalty deposit are required to be taken by the Secretary of State. Appropriate steps to make an appropriate refund must also be taken if the financial penalty deposit exceeds the fixed penalty or any court fine imposed on the offender. The appropriate refund is defined in section 90C(12) of the 1988 Act as either any amount by which the financial penalty deposit exceeds the amount of any fixed penalty or fine, or the whole amount of the deposit where no fixed penalty or fine is payable, together in each case with interest. This Order provides that the rate of interest for these purposes is the Bank of England base rate at the beginning of the day on which payment of the appropriate amount was made.

No Impact Assessment has been prepared for this instrument as it has no significant impact on the costs of business and the voluntary sector.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

E3882 3/2009 193882T 19585